

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

RECEIVED &amp; INSPECTED

AUG 9 2004

FCC - MAILROOM

In the Matter of	)	
	)	
Amendment of Section 73.622(b)	)	RM-_____
Table of Allotments	)	In reply to 2-A726
DTV Table of Allotments	)	Facility ID No. 161996
(Leonard, TX)	)	

To: Chief, Video Division

**AMENDMENT TO PETITION FOR RULEMAKING**

Thomas Desmond ("Desmond"), hereby amends his March 11, 2004 Petition for Rule Making seeking the allotment of DTV channel 25 to Leonard, Texas.

1. Desmond originally proposed the allotment of DTV channel 25 to Leonard. The Commission responded in a letter dated June 24, 2004 that the proposed allotment would short space KUVN-DT, Garland, TX, and KMPX(TV), Decatur, TX. On July 5, 2004, Desmond replied by noting that the proposed allotment fully meets spacing requirements for the currently operating facilities of KUVN-DT and the facilities under construction for KMPX(TV). Desmond requested that the petition be reinstated based upon this information, and granted contingent on KMPX(TV) completing construction of its new facilities.

2. Upon reflection, Desmond believes that the contingency can be eliminated by amending the petition to propose DTV channel 28 in place of DTV channel 25 for Leonard, TX. DTV channel 28 can be allocated to Leonard with a site restriction of approximately 22.2 kilometers ENE. Section 73.622(b) would be amended as follows:

No. of Copies rec'd  
List ABCDE

*014*

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Leonard, TX	-----	28

**3. Desmond's amended Proposal meets the FCC's Separation Requirements.**

As shown in the attached Engineering Technical Statement, the allotment of DTV Channel 28 to Leonard at the following reference coordinates meet all spacing requirements set forth under Section 73.623(d) of the Rules:

North Latitude            33-33-00

West Longitude           96-07-20

No short spacing or prohibited contour overlap will be caused to any known full power or Class A television license, construction permit, or pending modification application. Therefore, the Commission may act promptly on this Petition as amended.

4. Desmond incorporates by reference the portions of the original Petition outlining the justifications for providing Leonard, Texas with a first local service. The community of Leonard is an incorporated community, located in Fannin County, in northeast Texas. Leonard is served by a Mayor and City Council, and has a library, post office, police department, and its own zip code. Leonard has numerous independent businesses located within city limits, and is located outside of any urbanized area. The 2000 Census lists the Leonard population at 1846 persons. Granting the allotment of DTV channel 28 to Leonard would promote the objectives of Section 307(b) of the Communications Act of 1934, as amended.

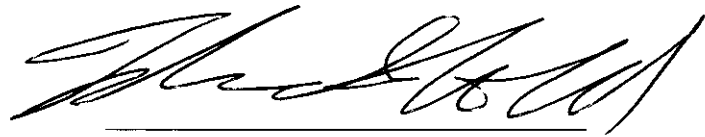
**5. Desmond's Declaration of Intent.** If Desmond's proposal set forth herein is adopted, and the Commission allots DTV Channel 28 to Leonard, Texas, as requested,

Desmond will file an appropriate application and will construct the new station facilities, if authorized to do so.

**CONCLUSION**

6. For the preceding reasons, Desmond hereby respectfully requests that the Commission accept this amendment to his original petition and promptly initiate a rulemaking proceeding to amend the DTV Table of Allotments to allot DTV Channel 28 to Leonard, Texas, as that community's first local commercial television service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas S. Desmond', written over a horizontal line.

Thomas S. Desmond  
3216 Verbena Drive  
Plano, TX 75075  
Telephone: 972-422-4674  
E-mail: tdesmond@sprynet.com

August 5, 2004

**ENGINEERING TECHNICAL STATEMENT PREPARED BY THOMAS  
DESMOND, ON HIS OWN BEHALF, IN SUPPORT OF A PETITION FOR  
RULEMAKING TO AMEND THE DTV TABLE OF ALLOTMENTS  
LEONARD, TEXAS**

Pursuant to Section 74.622(a), a petitioner who requests to amend the DTV Table of Allotments to add a new channel must demonstrate a geographic site which is compliant with the geographic spacing criteria of Section 73.623(d). Exhibit I demonstrates that the instant Petition is compliant with the geographic spacing criteria using reference coordinates located approximately 22.2 kilometers ENE of Leonard. These reference coordinates are:

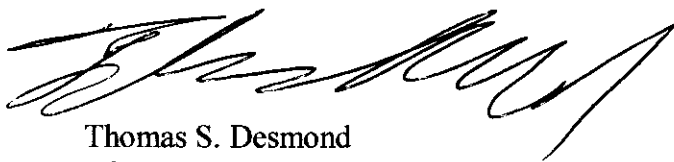
North Latitude 33-33-00  
West Longitude 96-07-20

Calculations indicate that with minimal facilities of 5.0 kw ERP at 30 meters HAAT located at the reference coordinates, a 48 dBu city grade contour would extend 27.4 km from the transmitter site. This demonstrates that the proposed allotment will easily place the required 48 dBu contour over the entire city of Leonard.

**Certification**

I, Thomas Desmond, declare and state that I am a graduate electrical engineer with a Bachelor of Science in Electrical Engineering earned from Washington State University in 1984. I further affirm and state that I am preparing this technical statement on my own behalf.

This technical statement and engineering work are true and correct to the best of my knowledge. Executed on August 5, 2004.

A handwritten signature in black ink, appearing to read 'Thomas S. Desmond', is written over a horizontal line.

Thomas S. Desmond  
BSEE

# Exhibit I: Digital TV Spacing Study

Channel 28, Digital

Zone II

Database: FCC 8/4/04

Call City of License	Authorization File Number	Channel Zone	Distance (km)	Required (km)
KTXA Fort Worth, TX	TV LIC BLCT-19801231KF	21 II	132.69	96.6 Clear
KDFI Dallas, TX	TV LIC BLCT-20010720ACB	27 II	136.28	96.6 Clear
KDFI Dallas, TX	TV CP MOD BMPCT-20020613AAN	27 II	136.28	96.6 Clear
KTBS Shreveport, LA	DT LIC BLCDT-20020911ABZ	28 II	225.67	223.7 Close: +2.0
KTPX Okmulgee	DT LIC BLCDT-20020510AAQ	28 II	253.36	223.7 Clear
KFDX Wichita Falls, TX	DS STA BDSTA-20030121ADS	28 II	228.92	223.7 Close: +5.2
KFDX Wichita Falls, TX	DT CP MOD BMPCDT-20040312ADT	28 II	228.92	223.7 Close: +5.2
KMPX Decatur, TX	TV LIC BMLCT-20030623ADR	29 II	106.02	106 Close: +0
KMPX Decatur, TX	TV CP MOD BMPCT-20031121AOP	29 II	132.69	106 Clear

>>End of DTV Channel 28 Zone II study<<